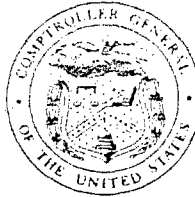


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DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

[Protest Alleging Specifications Were Restrictive and Defective]

FILE: B-199602

DATE: October 22, 1988

MATTER OF: Lory Industries Incorporated

DIGEST:

Cancellation of solicitation renders protest of specifications moot and, therefore, GAO will not consider issues raised by protest.

Lory Industries Incorporated (Lory) [protests against solicitation] No. DAAA09-80-R-0146 [issued by the United States Army] Armament Materiel Readiness Command, Rock Island, Illinois, [for container assemblies.] Lory contends that the solicitation contains restrictive and defective specifications and requests that it be canceled.]

The Department of the Army (Army) has informed us that [the solicitation has been canceled due to the withdrawal of the requirements. Accordingly, the Army takes the position that the protest is moot. When advised of the cancellation, Lory informed our Office that it would withdraw its protest provided the Government agrees to remove the limitation in future solicitations to produce the container assemblies utilizing the the Slurry process.]

[We agree with the Army that the protest is moot.] Under our Bid Protest Procedures, 4 C.F.R. part 20 (1980), [we consider protests of an award or proposed award of a contract. 4 C.F.R. § 20.1(a). [There is no award or proposed award pending. We have taken the position that a protest concerning specifications in such circumstances is premature and should await the issuance of a solicitation.] See General Mills, Inc., B-199359, September 5, 1980, 80-2 CPD \_\_\_\_\_, and decisions cited therein.]

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Accordingly, [the protest is dismissed.]

*Milton J. Socolar*

Milton J. Socolar  
General Counsel